

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

OHIO NATIONAL LIFE ASSURANCE
CORPORATION,

Plaintiff

v.

TRICIA JEAN MURPHY, LYNN ANN
POWERS, MARK ASHLEY WOOD, PENNY
JEAN WOOD, and SANDRA LEE WOOD

Defendants

**CIVIL ACTION NO.
04-40207/FDS**

SANDRA LEE WOOD'S MOTION TO RELEASE FUNDS

The Defendant, Sandra Lee Wood, ("Sandra Wood") asks this Honorable Court, in accordance with the settlement reached by the remaining parties, requests that this Court order that such funds be released to Sandra Lee Wood. Specifically, Sandra Lee Wood requests that a check be issued to Sandra Lee Wood \$90,877.71 plus any accrued interest from January 27, 2005 until the date of disbursement. As grounds therefore, Sandra Lee Wood states that Plaintiff deposited two checks in this action in the amounts of \$67,524.80 and \$24,852.91. A copy of the deposit information appears at Exhibit A. Plaintiff was then granted a separate judgment in the amount of \$1,500.00 which was subject to disbursement from the fund by court order. Defendants Tricia Jean Murphy and Mark Ashley Wood were defaulted from said action. The remaining defendants Sandra Lee Wood, Penny Jean Wood, and Lynn Ann Powers reached a settlement entitling Sandra Lee Wood to receive the balance of the interpleader fund. A copy of the settlement has been enclosed at Exhibit B.

Sandra Lee Wood,
By her attorney,

/s/ Bobby Hazelton
Bobby Hazelton (BBO# 635446)
Fletcher, Tilton & Whipple, P.C.
370 Main Street - 12th Floor
Worcester, MA 01608-1779
(508) 798-8621

Dated: November 18, 2005

MIRICK O'CONNELL
ATTORNEYS AT LAW
MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP



January 27, 2005

VIA HAND DELIVERY

Civil Clerk
United State District Court
District of Massachusetts
595 Main Street, Room 502
Worcester, MA 01608

Re: Ohio National Life Assurance Corporation v. Wood et al.
Civil Action No. 04-40207FDS

Dear Sir/Madam:

On January 14, 2005, Judge F. Dennis Saylor, IV granted Ohio National's Motion to Deposit Funds in Escrow in the above-referenced matter. Enclosed is a copy of the Electronic Order granting this request. As such, enclosed please find 2 checks in the amount of \$67,524.80 and \$24,852.91, payable to the Clerk, United States District Court. These checks should be deposited in escrow for the above-referenced matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Kristina H. Allaire

KHA/jc
Enclosures

cc: John Sousa, Esq.
Bobby Hazelton, Esq.
Tricia Jean Murphy
Mark Ashley Wood
Gary Peters, Esq.
Joseph M. Hamilton

MIRICK O'CONNELL

WESTBOROUGH, MA
508-898-1501 • FAX 508-898-1502

100 FRONT STREET
WORCESTER, MA 01608-1477
508-791-8500 • FAX 508-791-8502

BOSTON, MA
617-261-2417 • FAX 617-261-2418

04220767

THE DEATH BENEFIT PLUS INTEREST FOR S1509418
SHIRLEY WOOD, DECEASED
DEATH BENEFIT \$65,620.94
INTEREST \$1,903.86
COST BASIS \$45,000.00
TAXABLE AMT \$20,620.94

\$67,524.80

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

Ohio National Financial Services
The Ohio National Life Insurance Company
Cincinnati, Ohio

DATE 01-26-05 26505 422 CHECK NUMBER 04220767

US BANK

PAY ONLY **SIXTY SEVEN THOUSAND FIVE HUNDRED TWENTY FOUR DOLLARS AND 80 CENTS**

VOID AFTER 90 DAYS

PAY **SIXTY-SEVEN THOUSAND FIVE HUNDRED TWENTY-FOUR DOLLARS AND 80 CENTS** *******\$67,524.80*******
TO THE ORDER OF

CLERK, UNITED STATES DISTRICT COURT

THE OHIO NATIONAL LIFE INSURANCE COMPANY

Joseph R. Sunder

FORM NO. 9703B

⑈04220767⑈ ⑈042205038⑈ 000483862512⑈

THE DEATH BENEFIT PLUS INTEREST
FOR S6624189
SHIRLEY WOOD, DECEASED
24,152.18 DEATH BENEFIT
700.73 INTEREST AMOUNT
15,000.00 COST BASIS
9,152.18 TAXABLE AMOUNT

\$24,852.91

THE ORIGINAL DOCUMENT HAS A WHITE REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW. DO NOT CASH IF NOT PRESENT.

Ohio National Financial Services
Ohio National Life Assurance Corporation
Cincinnati, Ohio

DATE 01-26-05

56503
422

Check Number 06428794

US BANK

PAY ONLY **24,852.91**
TWO FOUR EIGHT FIVE TWO CTSCTS

Void After 90 Days

PAY *******\$24,852.91*******
TO THE ORDER OF

CLERK, UNITED STATES DISTRICT COURT

Ohio National Life Assurance Corporation

Joseph R. Lander

FORM NO. 9703B

Hamilton, Joseph M.

From: ECFnotice@mad.uscourts.gov
Sent: Friday, January 14, 2005 4:30 PM
To: CourtCopy@mad.uscourts.gov
Subject: Activity in Case 4:04-cv-40207-FDS Ohio National Life Assurance Corporation v. Murphy et al
"Order on Motion to Deposit Funds"

NOTE TO PUBLIC ACCESS USERS You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

<!-- rcsid='\\$Header: /ecf/district/html/TextHead,v 3.1 2003-04-25 07:56:43-04 loy Exp
\\$' -->

United States District Court
District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 1/14/2005 at 4:30 PM EST and filed on 1/14/2005

#ident 'rcsid='\\$Header: /ecf/district/server/TextBody,v 3.1 2003-04-25 07:52:35-04 loy Exp
\\$'

Case Name: Ohio National Life Assurance Corporation v. Murphy et al

Case Number: 4:04-cv-40207 <https://ecf.mad.uscourts.gov/cgi-bin/DktRpt.pl?94618>

Document Number:

Copy the URL address from the line below into the location bar of your Web browser to view the document:

Docket Text:

Judge F. Dennis Saylor IV: ElectronicORDER entered granting [8] Motion to Deposit Funds.
(Castles, Martin)

The following document(s) are associated with this transaction:

<!-- rcsid='\\$Header: /ecf/district/server/TextAtyList,v 3.2 2003-06-02 17:37:56-04 bibeau
Exp \\$' -->

4:04-cv-40207 Notice will be electronically mailed to:

Kristina H. Allaire

khallaire@modl.com,

jcolbert@modl.com

Joseph M. Hamilton

JMHamilton@mirickoconnell.com

4:04-cv-40207 Notice will not be electronically mailed to:

John L. Sousa

285 Main Street

Worcester, MA 01608

MUTUAL RELEASE OF ALL DEMANDS

(To Be Executed in Duplicate)

11-12, 2005

In consideration of the following promises, recited herein, Penny Jean Wood, Lynn Ann Powers, Sandra Lee Wood, Administrator of the Estate of Shirley Wood, and Sandra Lee Wood agree as follows:

- (1) Upon receipt of the interpleader fund, whose originally plead amount is \$89,773.12 and which may include interest and deductions of \$1,500 paid to Mirick O'Connell for attorneys fees, from United States District Court, District of Massachusetts from Civil Action Number 04-40207FDS ("Interpleader Fund"), Sandra Lee Wood shall pay to John Sousa, attorney for Penny Jean Wood and Lynn Ann Powers the amount of thirty-two thousand dollars (\$32,000.00) to be disbursed.
- (2) Penny Jean Wood and Lynn Ann Powers shall ensure that at least ten thousand (\$10,000) dollars, before deducting the pro rata share of attorney fees, shall be directed to Stefanie Powers, the daughter of Lynn Powers.
- (3) Sandra Lee Wood shall be entitled to retain the remainder of the interpleader fund.
- (4) Penny Jean Wood and Lynn Ann Powers shall not be entitled to take any further money from the Estate of Shirley Wood, including, but not limited to, the devise of monetary sums to Penny Jean Wood and Lynn Ann Powers from the Will of Shirley Wood in the amount of \$4,000 each.

(5) Penny Jean Wood, Lynn Ann Powers, Sandra Lee Wood, Administrator of the Estate of Shirley Wood, and Sandra Lee Wood, their agents employees, affiliates, successors and assigns each hereby remises, releases and forever discharges the other, their agents, employees, the Estates they represent, affiliates, successors and assigns, of and from all debts, demands, actions, causes of action, suits, accounts, covenants, contracts, agreements, damages, and any and all claims, demands and liabilities whatsoever of every name and nature, both in LAW and in EQUITY, which against each other or their successors, heirs and assigns each now has or ever had from the beginning of the world to September 16, 2005, and more especially on account of any and all causes of action arising out of:

(a) United States District Court, District of Massachusetts Civil Action Number 04-40207FDS;

(b) Worcester Probate Court Docket No. 04P0564;

(c) the last will and testament of Shirley Wood;

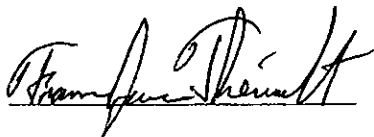
(d) Annuity Contract S6624189 from the Ohio National Life Insurance Corporation; and

(e) Single Premium Deferred Annuity Contract No. S1509418


(6) All parties shall sign any document reasonably requested by any party to allow for the release of the Interpleader Fund from United States District Court, District of Massachusetts Civil Action Number 04-40207FDS.

(7) Nothing herein should be considered an admission of liability on the part of either party and relates only to the settlement of a claim.

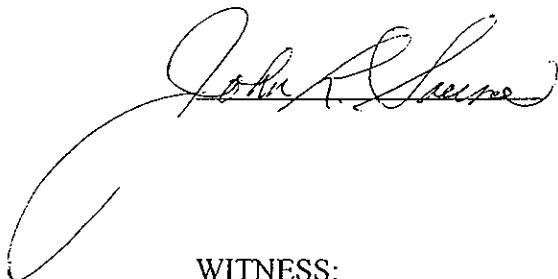
WITNESS:



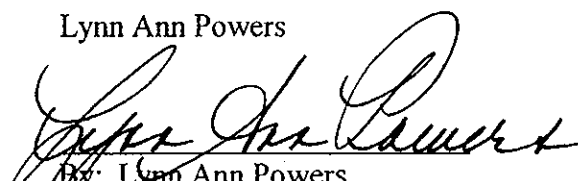
Penny Jean Wood


By: Penny Jean Wood

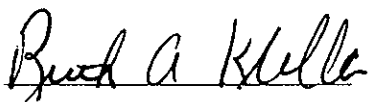
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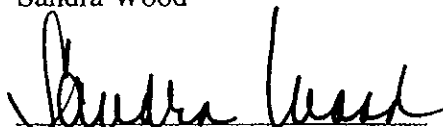
Lynn Ann Powers


By: Lynn Ann Powers

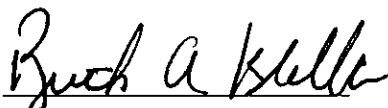
WITNESS:



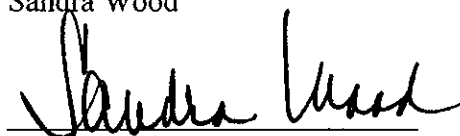
Sandra Wood


By: Sandra Wood

WITNESS:



Sandra Wood



By: Sandra Wood, Administrator of the
Estate of Shirley Wood